

## AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NICHOLAS SANDS AND SANDS & COMPANY, INC.

Plaintiff(s)  
Petitioner(s)

INDEX #:  
07 CIV 9824  
DATE FILED:  
11/06/2007

- against -

LEONARD BERNSTEIN AND JANE HOLMES BERNSTEIN

Defendant(s)  
Respondent(s)

JUDGE:  
SWEET  
ATTORNEY FILE#:  
10904-00001

STATE OF MASSACHUSETTS: COUNTY OF HILLSBORO: ss:

DARRELL WEBBER, BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF MASSACHUSETTS

That on 11/13/2007, 03:34PM at 60 BABCOCK STREET, APARTMENT #95, BROOKLINE MA 02446, deponent served the within SUMMONS IN A CIVIL ACTION, COMPLAINT, CIVIL COVER SHEET & RULE 7.1 STATEMENT on JANE HOLMES BERNSTEIN, a defendant in the above action.

By delivering a true copy thereof to and leaving with LEONARD BERNSTEIN/HUSBAND, a person of suitable age and discretion at the above address, the said premises being the defendant's dwelling place/usual place of abode within the State of MASSACHUSETTS.

Deponent completed service by depositing a copy of the above described papers in a post paid, properly addressed envelope in an official depository under the exclusive care and custody of the United States Post Office in the State of MASSACHUSETTS, on 11/14/2007 addressed to defendant JANE HOLMES BERNSTEIN at 60 BABCOCK STREET, APARTMENT #95, BROOKLINE MA 02446 with the envelope bearing the legend PERSONAL AND CONFIDENTIAL and did not indicate on the outside thereof that the communication was from an attorney or concerned an action against the defendant.

DEPONENT DESCRIBES THE INDIVIDUAL SERVED AS FOLLOWS:

Sex M Approximate age 70 Approximate height 5'07" Approximate weight 150 Color of skin WHITE Color of hair WHITE Other GLASSES

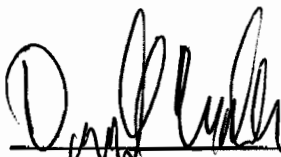
LEONARD BERNSTEIN told the deponent that JANE HOLMES BERNSTEIN was not presently in the military service of the United States Government or on active duty in the military service in the State of MASSACHUSETTS or a dependent of anybody in the military.



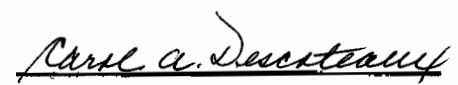
RIVKIN RADLER LLP

EAB PLAZA

UNIONDALE, NY 11556-0111  
(516)357-3000

  
DARRELL WEBBER

Sworn to before me on 12/05/2007



APPLE ATTORNEY SERVICE, PO BOX 470, MINEOLA NY 11501-04  
Phone: 516-742-0077 \* Fax 516-742-4726

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